

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
SECOND SESSION
LEGISLATIVE BILL 856

FINAL READING

Introduced by Lautenbaugh, 18.

Read first time January 11, 2008

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to elections; to amend section 32-564, Revised
2 Statutes Cumulative Supplement, 2006; to provide for a
3 special election for congressional representatives as
4 prescribed; and to repeal the original section.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 32-564, Revised Statutes Cumulative
2 Supplement, 2006, is amended to read:

3 32-564 (1) Except as otherwise provided in subsection (2)
4 of this section:

5 (a) If a vacancy occurs in the office of Representative
6 in Congress on or after August 1 in an even-numbered year and
7 prior to the statewide general election in such year, the Governor
8 shall order a special election to be held in conjunction with such
9 statewide general election. The only candidates who may appear on
10 the ballot for such office at such special election are those who
11 were nominated at the statewide primary election in such year,
12 those who comply with section 32-616, and those who comply with
13 section 32-627 to fill a vacancy on the ballot if such a vacancy
14 exists. The candidate receiving the most votes at such special
15 election shall serve for the remainder of the vacated term and for
16 the succeeding term of office; ~~—~~

17 ~~(2)~~ (b) If a vacancy occurs in the office of
18 Representative in Congress on or after the day of the statewide
19 general election and prior to the end of the term of the office
20 which is vacated, no special election shall be called; and ~~—~~

21 ~~(3)~~ (c) If a vacancy occurs in such office at any time
22 other than as described in ~~subsection (1) or (2) of this section,~~
23 subdivision (a) or (b) or this subsection, the Governor shall
24 order a special election to be held within ninety days after the
25 vacancy occurs. Each political party which polled at least five

1 percent of the entire vote in the district in which the vacancy
2 occurs may select a candidate following the applicable procedures
3 in subsection (2) of section 32-627, except that the certificate
4 and filing fee shall be submitted at least sixty-five days prior
5 to the day of the election. Any candidate so selected shall have
6 his or her name placed on the ballot with the appropriate political
7 party designation. Any other person may have his or her name placed
8 on the ballot without a political party designation by filing
9 petitions pursuant to sections 32-617 and 32-618 and paying the
10 filing fee as provided by section 32-608, except that the deadline
11 for filing the petitions and paying the fee shall be sixty-five
12 days prior to the day of the election. The candidate receiving the
13 most votes at such special election shall serve for the remainder
14 of the vacated term.

15 (2) (a) If the Speaker of the United States House of
16 Representatives announces that there are more than one hundred
17 vacancies in the House of Representatives requiring special
18 elections according to 2 U.S.C. 8, as such section existed on the
19 effective date of this act, and there is any vacancy in the office
20 of Representative in Congress representing Nebraska, the Governor
21 shall issue a writ of election. The writ of election shall specify
22 the date of a special election to fill such vacancy to be held
23 within forty-nine days after the Speaker's announcement.

24 (b) The Secretary of State shall notify the chairperson
25 and secretary of each political party which polled at least

1 five percent of the entire vote in the district in which the
2 vacancy occurs that the party may select a candidate following the
3 applicable procedures in subsection (2) of section 32-627, except
4 that the certificate and filing fee shall be submitted within seven
5 days after notification by the Secretary of State. Any candidate so
6 selected shall have his or her name placed on the ballot with the
7 appropriate political party designation.

8 (c) The ballot for any voter meeting the criteria of
9 section 32-939 shall be transmitted to such voter within fifteen
10 days after the Speaker's announcement and shall be accepted if
11 received by the election commissioner or county clerk within
12 forty-five days after transmission to the voter.

13 (d) The candidate receiving the most votes at such
14 special election shall serve for the remainder of the vacated term.

15 Sec. 2. Original section 32-564, Revised Statutes
16 Cumulative Supplement, 2006, is repealed.